

Application Number: 10/674,602
 Amendment Dated: July 11, 2005
 Reply to Office Action of May 10, 2005

REMARKS

In the Claims:

Claims 1-20 are pending in this application. Claims 6 and 10-20 were rejected by the Examiner. Claims 1-5 and 7-9 are allowed. Claims 10 and 14 are amended. Support for the new claims and amendments are found throughout the specification and the drawings. The amendment has been made to further clarify the position of the battery with respect to the saw to put the application in condition for allowance and/or to put the claims in better condition for appeal. No new search is required because the additional limitations and the new claim should have been encompassed by the previous search. In view of the following amendments and remarks, Applicant respectfully requests reconsideration of the application.

I. Rejections under 35 U.S.C. § 102

Claim 20 was rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by the teachings of U.S. Patent Number 5,685,080 to Amano ("Amano"). Amano does not disclose a power pack that is located entirely spaced from a front-to-rear centerline of the frame located along the chain bar. Instead, Amano discloses a battery connected to the rear end of the chain saw with a portion of the battery that is not spaced apart from the front to rear centerline of the frame. Moreover, there is no suggestion to modify Amano to attain this structure. Applicants respectfully request that the Section 102(b) rejection of claim 20 be withdrawn.

II. Rejections under 35 U.S.C. § 103

Claims 6 and 10-20 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Number D408,246 to Juratovac ("Juratovac") in view of Amano.

Applicant respectfully traverses. Initially, the Applicant submits that the combination of Juratovac and Amano is improper because there is no motivation to combine these references. In fact the combination of these two references was improper because Amano teaches away from the structure that the Examiner alleges is

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disclosed in Juratovac. Specifically, the Examiner characterized Juratovac as disclosing a battery placed in the oval housing behind the vented housing shown in Juratovac FIGs. 1 and 4. See Final Office Action of May 10, 2005 p. 2, *citing* Office Action of August 23, 2004, pp. 2-3. Assuming, *arguendo*, that the Examiner is correct in his characterization about the position of the Juratovac battery, it is improper to combine Juratovac with Amano, because Amano teaches away from the alleged location of the battery in Juratovac and a circular saw the battery location allegedly shown in Juratovac would make Amano unsatisfactory for its intended purpose. MPEP § 2143.01. Specifically, Amano shows in the figures and describes in the specification a battery positioned at the rear end of the saw. Amano discloses that "[i]t is desirable in the chain saw of the present invention to ... dispose the battery in a detachable manner at the rear end of a handle extending backward from the main body." Col. 1, ll. 37-42. Amano also discloses that "[w]hen arranging ... the battery in a backward direction from the motor, the center of gravity of the chain saw shifts backward as the battery is arranged backward. The weight balance of the chain saw is so improved that the chain saw becomes good at handling." Col. 1, ll. 47-55.

Finally, Amano states that "[a] battery 10 is disposed in a detachable manner at a rear end of the handle housing. The center of gravity of the chain saw is located at or by the trigger of the handle housing 9." Col. 2, ll. 20-23. Therefore, Amano teaches that it is desirable to place the battery at the rear end of the saw in order to obtain an improved weight balance of the saw for good handling, with the center of gravity positioned at the saw's trigger. Moving the battery in Amano as proposed by the Examiner in the combination with Juratovac would undoubtedly move the center of gravity of the Amano saw away from the trigger, and therefore the Amano saw would not longer be as easy to handle. Therefore, the combination of Juratovac and Amano is improper. Because the Examiner improperly combined Juratovac and Amano, the rejection of claims 6 and 10-19 is improper, and Applicant respectfully requests that these claims be allowed.

Even if Juratovac and Amano could be properly combined, the combination fails to disclose all of the limitations of claims 6 and 10-19. Specifically, neither Juratovac nor Amano disclose a battery that is at least partially below the front handle of the

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circular saw. See Juratovac FIGs. 4 and 6 and Amano FIGs. 1 and 3. Because the combination of Juratovac and Amano does not disclose all of the limitations of claim 10, this combination cannot render claim 10 obvious. Therefore, Applicant respectfully requests that claim 10 and the claims dependent therefrom be allowed.

Additionally, neither Juratovac nor Amano disclose a battery that is removeably connected to the frame proximate a section of the housing which discloses the electric motor at least partially behind the electric motor. Because the combination of Juratovac and Amano does not disclose all of the limitations of claim 6, this combination cannot render claim 6 obvious. Therefore, Applicant respectfully requests that claim 6 be allowed.

SUMMARY

Claims 1-20 are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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